

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TOMMY VASSER,

Defendant.

8:13CR230

ORDER

Defendant Tommy Vasser (Vasser) appeared before the court on August 29, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 52). Vasser was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Russell X. Mayer. Through his counsel, Vasser waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and Vasser should be held to answer for a final dispositional hearing before Senior Judge Richard G. Kopf.

The government moved for detention. Through counsel, Vasser declined to present any evidence but requested release to his wife's residence. Since it is Vasser's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Vasser has failed to carry his burden and that Vasser should be detained pending a dispositional hearing before Senior Judge Kopf.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Richard G. Kopf in Courtroom No. 1, Fourth Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 11:30 a.m. on September 19, 2014**. Defendant must be present in person.

2. Defendant Tommy Vasser is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 29th day of August, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge